

## **Chapter 1**

### **GENERAL PROVISIONS**

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### **ARTICLE I.**

#### **GENERALLY**

##### **Sec. 1-1. How Code designated and cited.**

The ordinances embraced in this and the following chapters and sections shall constitute and be designated "The Code of the County of Rockingham, Virginia," and may be so cited. Such Code may also be cited "Rockingham County Code."

##### **Sec. 1-2. Definitions and rules of construction.**

In the construction of this Code and of all other ordinances of the county, the following rules shall be observed, unless such construction would be inconsistent with the manifest intent of the board of county supervisors or the context clearly requires otherwise:

*Board of supervisors; the board; this board.* Wherever the words "board of supervisors," "this board" or "the board" are used, such words shall be construed to mean the board of county supervisors of the County of Rockingham, Virginia.

*Code of Virginia.* The term "Code of Virginia" shall mean the Code of Virginia, 1950, as amended.

*Computation of time.* Whenever a notice is required to be given, or an act to be done, a certain length of time before any proceeding shall be had, the day on which such notice is given, or such act is done, shall be counted in computing the time, but the day on which such preceding is to be had shall not be counted.

*County.* The word "county" shall be construed as if the words "of Rockingham, Virginia," followed it.

*Gender.* A word importing the masculine gender only shall extend and be applied to females and to firms, partnerships and corporations as well as to males.

*Highway.* The word "highway" shall be construed to embrace streets, avenues, boulevards, roads, alleys, lanes, viaducts, publicly maintained parking lots and all other public ways in the county.

*Joint authority.* Words purporting to give authority to three (3) or more public officers or other persons shall be construed as giving such authority to a majority of such officers or other persons.

*May.* The word "may" means the succeeding act is permissive.

*Month.* Whenever the word "month" is used, such word shall be construed to mean a calendar month, unless otherwise provided.

*Number.* A word importing the singular number only may extend and be applied to several persons or things as well as to one (1) person or thing; a word importing the plural number only may extend and be applied to one (1) person or thing, as well as to several persons or things.

*Oath.* The word "oath" shall be construed to include an affirmation in all cases in which by law an affirmation may be substituted for an oath.

*Owner.* The word "owner," applied to a building or land, shall include any part owner, joint owner, tenant in common, tenant in partnership, joint tenant or tenant by the entirety of the whole or a part of such building or land.

*Person.* The word "person" may extend and be applied to associations, firms, partnerships and bodies politic and corporate as well as to individuals.

*Preceding, following.* The words "preceding" and "following" mean next before and next after, respectively.

*Shall.* The word "shall" means the succeeding act is mandatory.

*Signature or subscription.* The words "signature" or "subscription" include a mark when a person cannot write.

*State.* The words "the state" or "this state" shall mean the Commonwealth of Virginia.

*Swear, sworn.* The word "swear" or "sworn" shall be equivalent to the word "affirm" or "affirmed" in all cases in which by law an affirmation may be substituted for an oath.

*Time.* Words used in the past or present tense include the future as well as the past and present.

*Written or in writing.* The word "written" or "in writing" shall be construed to include any representation

of words, letters or figures, whether by printing or otherwise.

*Year.* Whenever the word "year" is used, such word shall be construed to mean a calendar year, unless otherwise provided.

(Amended for recodification, 1987)

### **Sec. 1-3. Provisions considered as continuations of prior ordinances.**

The provisions of this Code, so far as they are in substance the same as the provisions of county ordinances existing on the date of the adoption of this Code, shall be considered to be continuations of such ordinances and not new enactments.

### **Sec. 1-4. Catchlines of sections.**

The catchlines of the several sections of this Code, outlined in boldface type and located above each section, are intended as mere catchwords to indicate the contents of the section, and shall not be deemed or taken to be titles of such sections, nor as any part of the section, nor, unless expressly so provided, shall they be so deemed when any of such sections, including the catchlines, are amended or re-enacted.

### **Sec. 1-5. Severability of parts of Code.**

It is hereby declared to be the intention of the board of supervisors that the sections, paragraphs, sentences, clauses and phrases of this Code are severable, and if any phrase, clause, sentence, paragraph or section of this Code shall be declared unconstitutional or invalid by the valid judgment or decree of a court of competent jurisdiction, such unconstitutionality or invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this Code.

### **Sec. 1-6. General penalty; continuing violations.**

Wherever in this Code or in any ordinance or resolution of the county, or any rule or regulation or order promulgated by any officer or agency of the county under authority duly vested in him or it, an act is prohibited or is declared to be unlawful or an offense or misdemeanor or the doing of any act is required or the failure to do any act is declared to be unlawful or an offense or misdemeanor, and no specific penalty is provided for the violation thereof, the violation of any such provisions of this Code or of any such ordinance, resolution, rule, regulation or order shall be punished by a fine not exceeding two thousand five hundred dollars (\$2,500.00) or by imprisonment in the county jail not exceeding twelve (12) months or by both such fine and imprisonment. Each day any violation of this Code or any such ordinance, resolution, rule, regulation or order shall continue shall constitute, except where otherwise provided, a separate offense.

(Amended for recodification, 1987; P.C. Ord. No. 99-2, 2-10-99)

### **Sec. 1-7. Law library established; assessment on civil actions for maintenance of same.**

(a) The law library to be known as the "Laird L. Conrad Memorial Library" is presently located in the library located at James Madison University, Harrisonburg, Virginia.

(b) There is hereby assessed as a part of the costs incident to each civil action filed in the circuit

court of Rockingham County, Virginia and the general district of Rockingham County, Virginia, the sum of four dollars (\$4.00), and such sums shall be remitted to the treasurer of Rockingham County to be disbursed upon the direction of the joint law library committee consisting of seven (7) members, namely, three (3) appointed by the Harrisonburg-Rockingham Bar Association three (3) appointed by James Madison University, and the seventh member appointed from the Rockingham Memorial Library Staff by such library's governing board. Such joint law library committee shall have the sole responsibility of maintaining the current books in such library and acquiring additional law periodicals and books as it determines necessary or advisable. The aforesaid four dollar (\$4.00) assessment shall be in addition to all of the costs prescribed by law but shall not apply to any action in which the commonwealth or any political subdivision thereof or the federal government is a party and in which the costs are assessed against the commonwealth, any such political subdivision or the federal government.

(P.C. Ord. No. 81-6, §§ 1, 2, 8-24-81; P.C. Ord. No. 1-89, 1-11-89)

## **ARTICLE II.**

### **CODE ADOPTION**

#### **Sec. 1-8. Adoption.**

There is hereby adopted by the board of supervisors of the county that certain Code entitled "The Code of the County of Rockingham, Virginia," (hereinafter referred to as "Rockingham County Code" or "Code"), containing certain ordinances of a general and permanent nature, as compiled, consolidated, codified and indexed as Chapter 1 through 17, both inclusive, which Code, as amended, has been and is now on file in the offices of the county administrator and county clerk.

(Unnumbered P.C. Ord., § 1, 6-8-88)

#### **Sec. 1-9. Title; citation; reference.**

This Code shall be known as the "Rockingham County Code" and it shall be sufficient to refer to the Code as the "Rockingham County Code" in any prosecution for the violation of any provision thereof or in any proceeding at law or equity. It shall be sufficient to designate any ordinance adding to, amending, correcting or repealing all or any part or portion thereof as an addition to, amendment to, correction or repeal of the Rockingham County Code. Further reference may be made to the titles, chapters, sections and subsections of the Rockingham County Code and such references shall apply to the numbered title, chapter, section or subsection as it appears in the Code.

(Unnumbered P.C. Ord., § 2-6-8-88)

#### **Sec. 1-10. Reference includes amendments.**

Whenever a reference is made to this Code as the "Rockingham County Code" or to any portion thereof, or to any ordinance of the county, codified herein, the reference shall apply to all amendments, corrections and additions heretofore, now or hereafter made.

(Unnumbered P.C. Ord., § 3, 6-8-88)

#### **Sec. 1-11. Title, chapter and section headings.**

Title, chapter and section headings, contained herein shall not be deemed to govern, limit, modify or in any manner affect the scope, meaning or intent of the provisions of any such title, chapter or section hereof. (Unnumbered P.C. Ord., § 4, 6-8-88)

#### **Sec. 1-12. Statutory references.**

The references to statutes shall not be deemed in any way to govern, limit or modify the provisions of the Code; rather such references are made for convenience only, unless the referred to statute is specifically incorporated by reference into and made a part of the Code provisions referring to such statute. (Unnumbered P.C. Ord., § 5, 6-8-88)

#### **Sec. 1-13. Ordinances passed prior to adoption of the Code.**

The last ordinance included in this Code was Post Code Ordinance No. 2-87, passed on the 11th day of March, 1987. The following ordinances, passed subsequent to such Post Code Ordinance No. 2-87, but prior to the adoption of this Code, are hereby adopted and made a part of this Code: Post Code Ordinances: 3087, 4-87, 5-87, 6-87, 7-87, 8-87, 9-87, 10-87, 11-87, 1-88, 2-88, 3-88 and 4-88. (Unnumbered P.C. Ord., § 6, 6-8-88)

#### **Sec. 1-14. Effect of Code on past actions and obligations.**

Neither the adoption of this Code nor the repeal or amendments hereby of any ordinance or part or portion of any ordinance of the Rockingham County Code shall in any manner affect the prosecution for violations of ordinances, which violations were committed prior to the effective date hereof, nor be construed as a waiver of any license, fee, or penalty at said effective date due and unpaid under such ordinances, nor be construed as affecting any of the provisions of such ordinances, relating to the collection of any such license, fee, or penalty, or the penal provisions applicable to any violation thereof, nor to affect the validity of any bond or cash deposit in lieu thereof required to be posted, filed, or deposited pursuant to any ordinance, and all rights and obligations thereunder appertaining shall continue in full force and effect. (Unnumbered P.C. Ord., § 7, 6-8-88)

#### **Sec. 1-15. Constitutionality and validity.**

If any section, subsection, sentence, clause or phrase of this Code is for any reason held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of this Code. The board of supervisors of the county hereby declares that it would have passed this Code, and each subsection, subsection, sentence, clause and phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases had been declared invalid or unconstitutional; and if for any reason this Code should be declared invalid or unconstitutional, then the original ordinance or ordinances shall be in full force and effect. (Unnumbered P.C. Ord., § 8, 6-8-88)